

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CHRISTOPHER ALLEN HAYNES,
242857,

Petitioner,

V.

JOSEPH HEADLEY, *et al.*,

Respondents.

Civil Action No.
2:20cv369-ECM-SRW

RECOMMENDATION OF THE MAGISTRATE JUDGE

Petitioner Christopher Allen Haynes (“Haynes”), a state inmate at the Staton Correctional Facility in Elmore, Alabama, initiated this action on May 19, 2020, by filing a petition for writ of habeas corpus under 28 U.S.C. § 2254. Doc. No. 1. In his petition, Haynes challenges his 2018 guilty plea conviction in the Cullman County Circuit Court on the charge of identity theft. That court sentenced Haynes to 15 years in prison.

DISCUSSION

Title 28 U.S.C. § 2241(d) allows Haynes to bring his § 2254 petition in either (a) the district court for the district where he is in custody (the Middle District of Alabama, where the Staton Correctional Facility is located), or (b) the district court for the district within which the state court that convicted and sentenced him was held (the Northern District of Alabama, where the Cullman County Circuit Court is located). Section 2241(d) provides that this court “in the exercise of its discretion and in furtherance of justice,” may transfer a petitioner’s § 2254 petition to “the district court for the district within which the State court was held which convicted and sentenced [the petitioner].” 28 U.S.C. § 2241(d).

The matters complained of by Haynes stem from a conviction and sentence entered by the Cullman County Circuit Court. The records related to these matters are located in Cullman

County. Therefore, this court finds that the furtherance of justice and judicial economy will be best served by transferring this case to the United States District Court for the Northern District of Alabama for review and disposition.

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be TRANSFERRED to the United States District Court for the Northern District of Alabama under 28 U.S.C. § 2241(d).

It is further

ORDERED that the parties shall file any objections to this Recommendation on or before June 23, 2020. A party must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge's findings and recommendations under 28 U.S.C. § 636(b)(1) shall bar a party from a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the District Court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11TH CIR. R. 3-1. *See Stein v. Lanning Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc).

DONE, on this the 8th day of June, 2020.

/s/ Susan Russ Walker
Susan Russ Walker
United States Magistrate Judge